HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 25306 of 2007

Dated: 29-11-2007

Between:

Md.Khaja

..... PETIT

AND

The State of A.P., rep., by its Chief
Registrar (Births and Deaths),
Department of Medical and Health,
Hyderabad and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25306 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare letter dated 23-11-2007 issued by respondent No.2 whereby the request of the petitioner to issue certificate in the name of his sons namely Md.Muzamil and Md.Khaiyum as illegal and arbitrary.

At the hearing Sri B.Narasimha Sharma, learned counsel for the petitioner placed reliance on judgment dated 26-07-2007 of this Court in W.P.No.13107 of 2007, wherein an identical issue was considered and decided by this Court. It is appropriate to extract the relevant portion of the said judgment:

> "The Act provides for issuance of birth certificate. The certificate in Form No.V provides for entering the name of the person whose date of birth is certified. It is a common practice, particularly, in Indian families that the children are named after performing a ceremony. If the birth certificate is issued before such ceremony, there does not exist an occasion for entering the name. From the Acts and the Rules made there under, it is clear that there is no prohibition for entering the name of the person may be after due verification. The Gujarat High Court took the view that it is permissible under the Act and Rules to enter the name of a person even after fifteen years, if the identity of the person is not in dispute.
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> ……
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> Hence, the writ petition is disposed of directing the second respondent to consider the application of the petitioner and enter the name of his daughter in the birth certificate, after satisfying himself that the certificate relates to the person whose name is sought to be entered. For this purpose, it shall be open to the second respondent to receive any further or additional information or material. This action shall be completed within a period of four weeks from the date of receipt of a copy of this order. To avoid further delay and complications, the petitioner shall make a fresh application."

Learned Assistant Government Pleader for Medical Health and Family Welfare does not dispute the above mentioned legal position.

In view of the same, this writ petition is disposed of in terms of the said judgment with the direction that the same shall be read as part of this order.

C.V.NAGARJUNA REDDY,J

Date: 29-11-2007
Note: Issue C.C. in one week.
B/o
KLP